

REMARKS

The applicants have carefully reviewed and considered the Office Action of 20 September 2006. In response, the applicants submit revised drawing Figures 1, 3 and 4, including appropriate corrections as outlined under the section identified in this document as “Drawing Amendments”. With respect to the showing of more than two agitators, it is hereby noted that claim 4 has been canceled and, accordingly, that drawing requirement is now moot and should be withdrawn. With respect to the “power transmitting means from the suction generator to the first rotary agitator including a belt and gear box assembly” it is noted that these features are clearly shown in drawing figures 3 and 4. Specifically note reference number 60 designating the power transmission including the first belt 62, first pulley 64, second pulley 68, second belt 70, pulley 72 and gear box assembly 52 (also note description in specification from page 8, line 19 to page 9, line 13). It is believed that the revised drawings now meet all formal requirements.

The specification is now amended on page 3 to update the status of the co-pending application which is now issued as U.S. Patent 6,772,474. The objection to the specification respecting the disclosure of the agitator section including more than two agitators is now rendered moot by the cancellation of claim 4 and should be withdrawn.

Turning now to the substantive issues, claim 1 has been amended to incorporate the subject matter of claims 2, 3 and 5. Accordingly, claim 1 now reads on a floor cleaning apparatus wherein the nozzle assembly includes a base section and an agitator section pivotally mounted to the base section. The agitator section includes an agitator housing, a

first rotary agitator and a second rotary agitator. As set forth in claim 1, that first rotary agitator includes a longitudinal axis and the agitator section pivots relative to the base section along that longitudinal axis.

U.S. Patent 3,827,103 to Nordeen et al. discloses a vacuum cleaner equipped with only a single rotary agitator. U.S. Patent 6,591,447 to Wegelin et al. discloses a vacuum cleaner equipped with only a single rotary agitator. U.S. Patent 2,485,671 to Sparklin, like the Nordeen et al. and Wegelin et al. patents discloses a vacuum cleaner equipped with only a single rotary agitator.

Whether considered alone or in combination, the patents to Nordeen et al., Wegelin et al. and Sparklin fail to teach or suggest the concept of providing a nozzle assembly including a base section and an agitator section pivotally mounted to that base section wherein the agitator section includes two rotary agitators as set forth in claim 1.

While it is true that U.S.. Patent 2,266,075 to Replogle discloses a vacuum cleaner incorporating multiple agitators, wherein the casing 40 of the agitator section pivots about an axis defined by the rollers 73 which “passes between the two brushes” 49. ( See page 3, column 2, lines 10-13 and Figures 9 and 10 of the Replogle reference). The concept of providing an agitator section that pivots relative to the base section along a longitudinal axis of a first rotary agitator as set forth in claim 1 is simply not disclosed in the secondary reference. Further, even if the vacuum cleaners disclosed in the Nordeen et al., Wegelin et al or Sparklin references are modified to incorporate two agitators as taught by the Replogle reference, the concept of pivotally mounting those agitator sections along a longitudinal axis

defined by the first rotary agitator as explicitly required by claim 1 is simply neither taught or suggested in this art. Accordingly, it is very clear that claim 1 patentably distinguishes from this art and should be allowed.

Claims 6-16 which depend from claim 1 are equally allowable for the same reasons.

Independent claim 17 has been amended to incorporate the subject matter of claims 19-21. Thus claim 17 reads on a vacuum cleaner with an agitator section pivotally mounted to the main housing. That agitator section is described as including an agitator housing, a first rotary agitator and a second rotary agitator. Further, it is stated that the first rotary agitator includes a longitudinal axis. Still further, it is provided that the agitator section pivots relative to the main housing along that longitudinal axis. Thus, as set forth in claim 17, the agitator section pivots along a longitudinal axis that includes the first rotary agitator. As noted above, the primary references to Nordeen et al., Wegelin et al. and Sparklin all fail to disclose agitator sections with two rotary agitators. Further, all fail to disclose the pivoting of those sections along a longitudinal axis defined by an agitator. Thus, the primary references completely fail to teach or suggest the claimed invention.

As noted above, while the Replogle reference discloses a vacuum cleaner incorporating an agitator section with multiple agitators, it fails to disclose the pivoting of that section relative to the main body of the vacuum cleaner along a longitudinal axis including one of those agitators. In such a circumstance, even if the primary reference to Nordeen et al, Wegelin et al. and/or Sparklin are modified to incorporate multiple agitators as taught by Replogle, none of the references cited by the Examiner teach or suggest pivoting

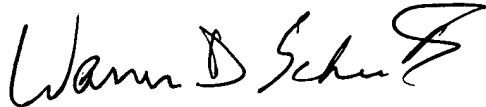
the agitator section along a longitudinal axis including one of the agitators as explicitly required by claim 17. Since the other secondary references cited and applied by the Examiner also fail to disclose or teach this concept, claim 17 clearly patentably distinguishes over the art and should be formally allowed.

Claims 18 and 25-27 which depend from claim 17 are equally allowable for the same reasons.

In summary, the drawings and specification have now been amended to meet all formal requirements. Further, all the pending claims clearly patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Warren D. Schickli", with a stylized flourish at the end.

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